IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.820 OF 2006

Jagdish Gorakhnath Gaikwad .. Applicant
V/s
The State of Maharashtra .. Respondent.

AND

CRIMINAL APPLICATION NO. 821 OF 2006.

Aashish Bharat Kamble ...Applicants.
V/s
The State of Maharashtra .. Respondents.

Mr. Ganesh Bhujabal & Sangram Kamle for the applicants.

Miss M.M. Deshmukh, A.P.P. for the State.

CORAM : V.M. KANADE, J.
DATE : 27TH MARCH, 2006.

P.C.

. Heard the learned Counsel for the applicants and the learned A.P.P. for the State.

2. Both the applications will be disposed of by common order since both the applicants have been arrested in connection with C.R.No.109/2005, which is registered in Karad City Police Station.

3. It is alleged that both the applicants along with other accused had conspired to kidnap Naresh who was a boy 8 years of age from his school for the purpose of demanding ransum from his parents. It is the case of the prosecution that the applicants along with other three accused kidnapped the boy and entire conspiracy and plan was hatched by the applicants herein along with other accused and when they realised that they are not likely to get ransum amount the young boy was killed and his body was disposed of. Initially it was hidden in a pipe and thereafter it was thrown below the bridge. The learned Counsel for the applicant urged that there is no evidence against the applicants in respect of commission of the said offence. He submitted that discovery of place is at the instance of Jagdish Gaikwad and he has only shown the alleged place where according to Jagdish the boy was going to be kept after kidnapped. He submitted that evidence was against the three accused who was lastly seen in the company of the child and there was no evidence against the present applicants. The learned APP invited my attention to the statement made by other witnesses and also discovery of the place was made at the instance of Jagdish. He submitted that the STD booth owner also stated that the applicant

Jagdish was seen near the booth and he made three telephone calls approximately at the same time when calls were received by the uncle of the deceased. He submitted that all the circumstances clearly pointed out that the present applicants had conspired along with three other accused who had actually kidnapped the boy. The present applicants were equally responsible being co-conspirators. He submitted that at the stage of grant of bail the statement made by the accused was relevant and should be taken into consideration.

4. I have given thoughtful consideration to the submissions made by both the Counsel. The offence alleged to have been committed by the applicants along with other accused, is a very heinous offence and if they are convicted it is possible that the applicants may be given the death penalty also, if the offence is proved against them. The learned A.P.P. as stated that the matter is kept for framing of the charge on 1st April, 2006. I have perused the statements of the witnesses and the entire material which is placed before me prima facie clearly indicates the involvement of the present applicants in the commission of the offence. It is therefore not a fit case for grant of bail. The

trial is expedited.

5. The trial Court shall not be influenced by the observations made by this Court while considering the bail application, as this Court has not expressed any opinion on the merits of the case. The trial Court shall decide the trial as expeditious as possible and in any case within a period of 6 months on merits and in accordance with the law.

6. The Registry to communicate this order to the concerned Judge.

[V.M. KANADE, J.]